

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK RICHARD SKIBBE,

Plaintiff,

v.

Case No. 1:05-cv-175
HON. R. ALLAN EDGAR

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. The Court has received objections from the plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made.

It is undisputed that plaintiff is a disabled prisoner who is being accommodated while housed at the Standish Correctional Facility (SMF). Plaintiff sues defendants because they failed to provide handicap access to housing in the protection unit at Kinross Correctional Facility (KCF). In his objections, plaintiff states that he has never asserted that he has a right to be transferred to KCF or that the failure to transfer him violates his rights. Further, plaintiff claims that he has never demanded a transfer to KCF, has never asked the court to transfer him to KCF, and has never argued that he should be transferred to KCF. Plaintiff maintains that as a result, his complaint cannot be dismissed.

It is clear that plaintiff's rights are not violated by the lack of handicap facilities at KCF. Plaintiff is not housed at KCF and most likely will never be housed at KCF. Plaintiff's needs are being fully accommodated at SMF. Defendants have not violated any of plaintiff's rights.

THEREFORE, IT IS **ORDERED** that the Report and Recommendation of the Magistrate Judge is **APPROVED and ADOPTED** as the opinion of the court.

Dated: *March 9, 2006*

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE